acts of outsiders who may join the pickets and the men on strike. This seems a sound view, for if thereafter the union continues its supervision of the strike and accepts the benefits of such terrorism, it must be deemed a party to the conspiracy. *Goldfield Consolidated Mines Co.* v. *Goldfield Miners' Union,* 159 Fed. 500; *Sailors' Union of the Pacific et al.* v. *Hammond Lumber Co.,* 156 Fed. 450, 85 C. C. A. 16; *Franklin Union No. 4* v. *People,* 121 Ill. App. 647.

WORKMEN'S COMPENSATION—WHAT IS HAZARDOUS EMPLOYMENT?—Deceased was a nightwatchman in defendant's bakery, and was killed by a fall down a spiral stairway while on watchman duty while the plant was idle for the night. The bakery business was enumerated by the New York Act as a hazardous employment. *Held,* no recovery, as deceased was not within the statute. *Fogarty* v. *National Biscuit Co.,* (1916), 161 N. Y. Supp. 937.

The point involved is: Is the statute satisfied when the person injured is simply in the employment of one engaged in a business enumerated by the statute as "hazardous," or must he also have been engaged himself in a hazardous occupation at the time of his injury? The New York statute defines the term "employe" as one "* * * who is in the service of an employer whose principal business is that of carrying on * * * a hazardous employment," etc. The situation in New York, apparently the only state in which this particular question has arisen, is peculiar, inasmuch as the Court of Appeals on May 12, 1916, in the case of *In re Larson,* 218 N. Y. 252, 112 N. E. 725, held that the immediate act in the performance of which plaintiff was injured need not itself be hazardous, but that it is sufficient if such act be fairly incidental to the prosecution of the business. In that case, deceased was a general handy-man, but was killed while erecting a shelf. Then six months later the New York Supreme Court, in the principal case, without reference to the *Larson* case, followed its previous holdings in *Matter of Rheinwald,* 168 App. Div. 425, 153 N. Y. Supp. 598, and *Lyon* v. *Windsor,* 159 N. Y. Supp. 162, holding it essential that the deceased have been himself engaged in a hazardous occupation at the time of the injury. The theory of the Court of Appeals seems to be that the compensation is provided for by a system of insurance, in which the employer includes all of his employes, whether engaged immediately in hazardous occupations or not, and that the letter of the statute includes all employes. The theory of the inferior court is that the intention of the legislature was that the risks incurred by those, and only those, who do the manual work of inherently dangerous employments, should be added to the cost of the product, and that the fact that the employer insures himself against injury to all of his employes is an unsound reason for including all within the statute, as such act by the employer is unnecessary and voluntary.